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09/980,434	11/28/2001	Hiroyuki Yamamoto	9683/95	3419

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EXAMINER

RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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11/08/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/980,434

Applicant(s)

YAMAMOTO ET AL.

Examiner

Sharad Rampuria

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Please see appended folio.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Response to Amendments & Arguments

Applicant's arguments filed on 10/12/2007 have been fully considered but they are not persuasive.

Relating to Claim 1:

Since **Kimoto** teaches, "When entering a communication area of the radio base station 6, the mobile terminal 4 detects a CSID (position identification information) by the position information detecting unit 41 to be brought into a connected state with respect to the radio base station 6 (Step S1). If the user conducts an operation to demand map information around the current position through the touch panel 47-2 (for example, inputting character information of "Ginza" if intending to display a map in the vicinity of "Ginza"), the map delivery demanding unit 42a of the position information transmitting unit 42 takes out the (detected) CSID retained in the radio communicating unit 45 and transmits a map delivery demand to the WWW browser 40a (Step S2). The WWW browser 40a sends the map delivery demand to the WWW server 51' of the information center 5 along with the CSID using, for example, a protocol activating the CGI program such as PUT or POST of http (hyper text transfer protocol) (Step S3). The information center 5 thereby activates the CGI program 53a-1 of the map information retrieving unit 53a (Step S4), besides sending the received CSID to the CGI program 53a-1 (Step S5). The CGI program 53a-1 converts the received CSID into position information of the mobile terminal 4 such as a latitude and a longitude on the basis of the CSID-position information conversion table 53a-2 (refer to FIG. 9), then retrieves the corresponding map information database 52a with the obtained position information as a key (Step S6). ...If the retrieval has been successful as a

result of the retrieval by the CGI program 53a-1, the information/service providing unit 54 transmits the obtained map information as an HTML (Hyper Text Make Up Language) document, which will be described later, to the mobile terminal 4 (from YES route at Step S7 to Step S9). The mobile terminal 4 displays the received map information (a map in the vicinity of "Ginza" in this case) on the LCD 47-1 as shown in FIG. 13, for example so as to provide the map information to the user (Step S10). ...Meanwhile, this system can send a service (a program), that is, a program described in, for example, Java language, instead of the above town information (store/facility information), whereby it is possible to provide an interactive service to the user. If a service described in the HTML document as shown in FIG. 16 is stored in the database 52 of the information center 5, for example, the user can receive desired service from the information center 5 by inputting (designating) a service program "Service.class" in Java language as shown below, for example, through the touch panel 47-2 in a procedure similar to the above. " (Kimoto, Col.34; 45-Col.36; 5), which *corresponds* to the claimed limitation as "a description format for of said requested location information down data." Thus, sending as SMS or USSD format that is based on the notified format, (Kimoto, Col.6; 8-28), is exactly as applicant is rely upon, "According to the third embodiment, a location measuring method is designated by adding, to the hyper link character string, the network-type GPS form ".gbs" or the location measuring method ".bs" using the base station ID. The IP server 500, however, can also add the data of a plurality of location measuring methods with the order of priority specified. (¶ 0270) And this self location information data string, as described above, is for indicating the self location on the map site by adding the self location information (the location information expressed in latitude and longitude in this case) to the URL of the existing map site. (¶ 0318) in

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(Applicant's Specification (filed in US 20020138650 A1), ¶ 0270, 0318), that certainly, edify by **Kimoto**. Hence, it is believed that **Kimoto still teaches the claimed limitations**.

Additionally, since **HAVINIS** teaches, "When reporting logic 268 within the historical module 260 ... in the SMS or USSD command message 282 has passed, ... by the requesting LA 280 sending another SMS or USSD message (not shown), which requests all current location data from the MS 20. The historical module 260 can also be deactivated by the requesting LA 280 sending another SMS or USSD message (not shown). In either case, the historical module compares the identity information 289 stored therein with the identity information included in the new SMS or USSD message to ensure that the requesting LA 280 has the authority to override or deactivate the previously sent SMS or USSD command message 282." (Havinis, Col.6; 8-28), which *corresponds* to the claimed limitation as "a description format for of said requested location information down data." Thus, sending as SMS or USSD format that is based on the notified format, (Havinis, Col.6; 8-28), is exactly as applicant is rely upon, (Applicant's Specification (filed on 11/28/2001), Page.26; 17-26), that certainly, edify by **HAVINIS**. Hence, it is believed that **HAVINIS still teaches the claimed limitations**.

The above arguments also recites for the claims 27, 49, consequently the response is the same explanation as set forth above with regard to claim 1.

Because the remaining claims depend directly/indirectly, from one of the independent claims discussed above, consequently the response is the same explanation as set forth above.

Relating to Claim 23:

Since **HAVINIS** teaches, “the MS 20 to ensure that the MS 20 records and reports its location to the requesting LA 280. When the LA 280 sends the positioning request 285, the LA 280 can also include within the positioning request 285, a positioning indicator 287, which indicates how often the MS 20 should position itself and a reporting indicator 288, which indicates how often the MS 20 should report the chronicled location information 298.” (Havinis, Col.5; 8-28), which *corresponds* to the claimed limitation as “mobile communication terminal retrieving from memory a pre-stored network address indicative of a server that provides map location information that is accessible by said destination mobile communication terminal in conjunction with said location information transmitting, by said mobile communication terminal, said prestored network address for receipt by said destination mobile communication terminal after adding said acquired location information to said prestored network address.” Thus, sending as SMS or USSD format to the notified mobile terminal, (Havinis, Col.5; 8-28), is exactly as applicant is rely upon, (Applicant’s Specification (filed on 11/28/2001), Page.41; 3-8), that certainly, edify by **HAVINIS**. Hence, it is believed that ***HAVINIS still teaches the claimed limitations.***

The above arguments also recites for the claim 46, consequently the response is the same explanation as set forth above with regard to claim 23.

Because the remaining claims depend directly/indirectly, from one of the independent claims discussed above, consequently the response is the same explanation as set forth above.

Therefore, one skill in the art would recognize the amalgamation of the above two references can still read claimed-limitation as argued by applicant.

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With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Also, examiner filed the double-patenting rejection on 12/15/2005, that still pending a terminal-disclaimer, since amended-claims still read on the (US application No. 09/786818).

/Sharad Rampuria/
Patent Examiner
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